



LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
www.lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
DEBRA J. MILASINCIC, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPERT
JOHN D. LANZA
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.

DANIELLE L. HERRITT
EUIHOON LEE **
MANEESH GULATI
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
MICHAEL J. BASTIAN, Ph.D.
CHRISTOPHER J. McKENNA
VINCENT P. LOCCISANO
JAMES M. MCKENZIE
CYNTHIA M. GILBERT
LEIGH J. MARTINSON
JILL R. GORNY

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.

PATENT AGENTS
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.
CHRISTOPHER E. DRABIK
JAMES H. VELEMA
JACOB G. WEINTRAUB
BRIAN C. TRINQUE, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE WIZEMAN, Ph.D.
CHRISTOPHER R. COWLES, Ph.D.
W. ELANA WANG
MEAGHAN L. RICHMOND, Ph.D.

* Admitted in TX only
** Admitted in CT only

April 22, 2005

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application No.: 10/711,398
For: *CREATING AND SELLING A MUSIC-BASED VIDEO GAME*
Inventor: Alexander Rigopulos
Filed: September 16, 2004
Our Ref. No.: HXT-007

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Second Supplemental Information Disclosure Statement;
2. PTO Form SB/08;
3. Copies of all references cited in PTO Form SB/08 (C79-C83)
4. Certificate of Mailing;
5. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

April 22, 2005

Leigh J. Martinson, Esq. Registration No. 50,749

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

Leigh J. Martinson, Esq.
Registration No. 50,749
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 22, 2005

Signature: 

(Leigh J. Martinson)

Docket No.: HXT-007
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander P. Rigopoulos

Application No.: 10/711398

Confirmation No.: 5397

Filed: September 16, 2004

Art Unit: 3713

For: CREATING AND SELLING A MUSIC-
BASED VIDEO GAME

Examiner: Not Yet Assigned

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

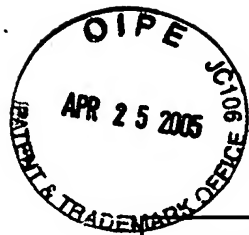
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. HXT-007. A duplicate copy of this paper is enclosed.

Dated: April 22, 2005

Respectfully submitted,

By 
Leigh J. Martinson

Registration No.: 50,749
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/711398-Conf. #5397
				Filing Date	September 16, 2004
				First Named Inventor	Alexander P. RIGOPULOS
				Art Unit	3713
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	HXT-007

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

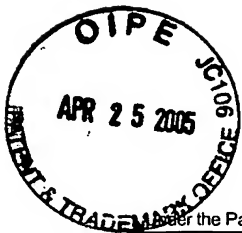
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C79	Bob Moseley, "P.O.D. CD to come bundled with Amplitude", retrieved from the internet: http://www.gamespot.com/ps2/puzzle/amplitude/printable_6076315.html , October 2, 2003, 1 page	
	C80	Douglass C. Perry, "Amplitude: P.O.D. Special Addition – P.O.D.'s Payable Upon Death album includes a special Amplitude bundle", retrieved from the internet: http://ps2.ign.com/articles/458/458846p1.html , November 10, 2003, 4 pages	
	C81	amazon.com search: "Payable on Death (with Bonus DVD)", retrieved from the internet: http://www.amazon.com/exec/obidos/tg/detail/-/B0000AS2P1/104-542903-8107914?v=glance , retrieved on April 8, 2005, 9 pages	
	C82	"DreamStation.cc – Reviews", retrieved from the internet: http://www.dreamstation.cc/reviews/computer/prething/ , April 17, 2004, 2 pages	
	C83	amazon.com search: "Results for pre)thing", retrieved from the internet: http://www.amazon.com/exec/obidos/search-handle-form/ref=dp_sr_00/104-5424903-8107... , April 6, 2005, 3 pages	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



PTO/SB/92 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/711398

Attorney Docket No.: HXT-007

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on April 22, 2005
Date

Signature

Leigh J. Martinson

Typed or printed name of person signing Certificate

50,749

Registration Number, if applicable

(617) 227-7400

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter (1 page)
Second Supplemental Information Disclosure Statement (2 pages)
Copies of Cited References C79-C83
Return Receipt Postcard